

# The Commonwealth of Massachusetts

AO-1

## Office of Campaign & Political Finance

Eight Beacon St., Boston 02108

727-8352

May 25, 1982

Dennis J. Duffin  
*Director*

S13

S15

Mr. Robert George  
17A Meadow Street  
Dedham, MA 02026

Dear Mr. George:

Thank you for your letter dated May 4, 1982 in which you expressed concern with the proper procedures regarding fundraising while employed as an Assistant District Attorney in light of G.L. C. 268, S9A; C. 55 S13 and S15.

I must decline to offer my opinion or advice concerning c. 268, S9A as it is not a law that I administer.

C. 55, S15 prohibits political contributions from being passed between two appointed public employees be they state, county, or municipal employees. However, an opinion of the Massachusetts Attorney General Edward W. Brooke in 1964 suggests that a candidate's political committee can accept political contributions from appointed public employees. The opinion says in part: "...It (S15) prohibits state (county, and municipal) employees from contributing to a public office holder personally or to a public office holder through an intermediary. It is not intended to prohibit the receipt of gift (contributions) by a political committee (organized on his/her behalf)..."

C. 55, S13 prohibits an appointed public employee from soliciting or receiving political contributions. This section also refers to "...persons (who have) an interest in any particular matter in which the person so employed participates..." and prohibits the people who have such an interest from contributing either to you or to your committee. S13 says regarding these points: "No person employed for compensation, other than an elected officer, by the commonwealth or any county, city or town shall directly or indirectly solicit or receive any gift, payment, contribution, assessment, subscription or promise of money or other thing of value for the political campaign purposes of any candidate for public office or of any political committee, or for any political purpose whatever, but this section shall not prevent such persons from being members of political organizations or committees. The soliciting or receiving of any gift, payment, contribution, assessment, subscription or promise of money or other thing of value by a non-elected political committee organized to promote the candidacy for public office or a person so employed for compensation by the commonwealth or any county, city or town, shall not be deemed to be a direct or indirect solicitation or receipt of such contribution by such person; provided, however, that no such gift, payment, contribution, assessment, subscription or promise of money or other thing of value may be solicited or received on behalf of such a person from any person or combination of persons if such person so employed knows or has reason to know that the person or



Robert A. George

May 25, 1962

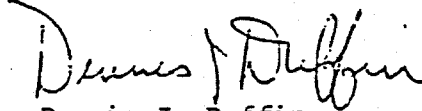
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combination of persons has an interest in any particular matter in which the person so employed participates or has participated in the course of such employment or which is the subject of his official responsibility."

It is my opinion that attorneys as well as their clients have a direct substantial interest in matters which he or she handles for their clients and is the sort of interest referred to in the statute. For example: an attorney is being paid to negotiate for his or her client in the quest of such as more lenient sentencing or favorable scheduling (or postponements) of hearings. Such requests can be readily recommended by and/or agreed to by an Assistant District Attorney and approved by the Judge. To solicit and/or receive contributions for your political campaign from attorneys who have a direct and substantial interest in matters in which you participate in your official capacity or which are the subject of your official responsibility would be prohibited by S13. There no doubt are other potential contributors who, like attorneys, have "an interest in a particular matter" and who S13 would prohibit you from soliciting or receiving from as well. You would best know who they might be. I urge you to use extreme caution in your efforts to fundraise for your campaign.

I trust the foregoing will be helpful to you in determining the extent of your conflict with c. 55 S13 and S15.

Sincerely,



Dennis J. Duffin  
Director

DJD/rep